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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,257	11/30/2000	Niels Mache	450117-02810	5492
20999	7590	05/24/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/727,257	MACHE, NIELS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The Amendment, and remarks therein, received on 03/09/2006 have been entered and carefully considered.
2. The Amendment introduces a new limitation into the originally sole independent claim 1 and 5 and dependent claims 2 and 8.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Response to Amendment***

4. The amendments addressed the 35 USC § 112 rejections cited towards claims 1-2, 5 and 8 in the previous Office Action. As a result the rejection has been withdrawn.
5. Applicant's arguments are directed towards the newly introduced limitations. Specifically, applicant argues that the art of record does not disclose or suggests: "selecting, by the message broker, a second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker".
6. The argument has been carefully considered but found not persuasive.  
  
As disclosed by Sakellariadis a sending client (*Patmos*) sends a message to a first message gateway (*Hermes*). The first message gateway contacts a message broker (*DNS server*) to find out where to forward the received message (*This information tells Hermes that the Exchange server to deliver email for anyone at minasi.com to server arlington.minasi.com, which has an IP address of 199.34.57.24 , "Internet Message Transport" section*). In other words DNS search client profiles

(DNS records) and selects the second message gateway (as indicated by Arlington DNS record) and convert the second message gateway's domain name (alrington.minasi.com) to an IP address (199.34.57.24) that could be recognized by Internet computers delivering the message to the second gateway ("Internet Message Transport" section).

By the virtue of selecting the second message gateway the message broker also selects a message conversion: the message will be converted to account for a new address (IP address) allowing message delivery to the second gateway.

The examiner also points out that in addition to such a straightforward interpretation one would point out that DNS server provides various functionalities that are utilized with various types of conversions. For example, in addition to numerous a lookup table entries, which allow name to IP address resolution DNS servers offer a reverse name resolution, wherein a reverse lookup table allows an IP address to be converted to a correlating name. Furthermore, DNS allows to resolve various record types, e.g. MX type record would be selected to identify where to deliver mail for a given domain name (see Hunt's discussion on DNS pg. 212-225 for example).

7. Claims 1-9 have been examined.

***Claim Rejections - 35 USC § 102***

8. Claims 1, 3-7 and 9 remain rejected under 35 U.S.C. 102(b) as being anticipated by Sakellariadis (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>).

Sakellariadis teaches receiving a message from a sending client (Patmos) by a first message gateway (Hermes), extracting meta information from the received message, transmitting the meta information from the first message gateway to a message broker (DNS server) while keeping the received message at the first message gateway, selecting, by the message broker, a second message gateway (Arlington) and a message conversion (the selected record of a second message gateway will be used to convert the message to include IP address of the gateway) on the basis of the meta information and client profile data (DNS record) managed by the message broker, transmitting modified meta information including message messaging information from the message broker to the first message gateway, and transmitting the message from the first message gateway to the selected second message gateway so that the second message gateway can transfer the message to a target client, wherein the message broker is an entity physically separated from the said first and second message gateways (Sakellariadis, Fig. 1 and "Internet Message Transport" section. Note: For clearer mapping of message gateways and message broker communication see the previous Office Action).

***Claim Rejections - 35 USC § 103***

9. Claims 2 and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sakellariadis (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>) in view of Leeds (Leeds, U.S. Pub. 20020016824 A1).

Sakellariadis teaches the message broker processing the meta information and returning the meta information to the first message gateway as discussed above.

Sakellariadis does not explicitly teach processing the meta information to provide for security and authentication.

Leeds teaches providing processing the meta information to provide security (Leeds [36]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide processing the meta information as taught by Leeds into Sakellariadis's invention. One of ordinary skill in the art would have been motivated to provide processing the meta information to provide security in order to address spamming problems and potential spread of viruses.

10. Claims 1-9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil (U.S. Patent No. 5740230) in view of Farrow et al. (U.S. Patent No. 6374295).

As per claims 1, 3 and 5-7 Vaudreuil teaches a distributed system (Fig.1) for the transmission of messages, the system comprising a first message gateway (inbound network hub 12) for the reception of messages from sending clients (Arnie, col.22 lines 42-67), a message broker (hub database, 68), for receiving the meta information from the first message gateway, and a second message gateway (outbound network hub, 14) for receiving the message from the first message gateway (col.22 lines 42-67 and Fig. 14). Col. 13 lines 18-31 show messages

containing meta information which are mapped within a clients profile data of a message broker to routing information (col. 4 lines 46-65, Fig. 14).

Vaudreuil does not explicitly teach transmission of meta information extracted from the received message from the first message gateway to a message broker and selecting a second message gateway and a message conversion on the basis on the meta information and client profile data managed by the message broker.

Farrow et al. teach transmitting extracted meta information from the first message gateway to and receiving modified meta information from the message broker (DNS, col. 2 lines 10-31), wherein the message broker (DNS) selects the second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker (col. 1 lines 45-52).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a message broker to receive meta information and return modified meta information and select a second message gateway and a message conversion on the basis on the meta information and client profile data managed by the message broker as taught by Farrow et al. given a benefit of easy search and updates to information of prospective recipients of data.

11. As per claims 2, 4 and 8-9 Vaudreuil teaches that the message is converted by a media translator before it is sent to the selected second message gateway (Vaudreuil, col.19 lines 20-67 and col. 20 lines 28) and teaches processing the meta information to provide security and authentication (Vaudreuil, col. 9 line 45- col. 10 line 18). Vaudreuil teaches the communication using TCP/IP (col. 7 line 65-col. 8 line

3), thus, the data obtained from a DNS server will be used in the message conversion.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571) 272-6962. The fax phone



Art Unit: 2134

number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/15/06



JACQUES H. LOUIS  
PRIMARY Examiner